



DEPARTMENT OF THE ARMY
NORTHWESTERN DIVISION, CORPS OF ENGINEERS
P.O. BOX 2870
PORTLAND, OREGON 97208-2870

Reply to
Attention of:

District Support Team

7 Jun '04

Ms. Robyn Thorson
Regional Director, Great Lakes-Big Rivers Region
U.S. Fish and Wildlife Service
Bishop Henry Whipple Federal Building
1 Federal Drive, Room 630
Fort Snelling, Minnesota 55111-4056

Dear Ms. ~~Thorson~~ ^{Rowell}:

In accordance with your letter dated March 5, 2004 and Section VII.1.b. of the 2003 Amended Biological Opinion, this letter and its enclosures constitute the U.S. Army Corps of Engineers (Corps) request to reinitiate consultation. In your March 5, 2004 letter, you concurred that the new information provided by the Corps in our February 13, 2004 letter supported our request that RPA element VII.1.b. be applied from Ponca State Park to the mouth of the Osage River, and the appropriate process for this change is reinitiation of consultation.

Through this consultation process, the Corps also proposes to modify the summer habitat flows described in Section VII.1.a., in accordance with Section VII.1.b. of the 2003 Amended Biological Opinion. Section VII.1.a. recommends flow of no greater than 25,000 cubic feet per second (cfs) beginning no later than July 1, 2004 lasting for a minimum of 30 days at its lowest point. This RPA element further provides that "[a]s shallow water habitat is developed, through re-engineering of the channel below Sioux City to St. Louis, the level of the habitat flow may be increased proportionally to optimize the habitat suitability, based on adaptive management and monitoring."

Section VII.1.b. provides that when approximately 1,200 acres of new shallow water habitat has been made available above that which currently exists between Sioux City and Omaha (approximately the amount that would be developed through flow management) the Corps, in consultation with the Service, may modify flows to take advantage of that habitat and more fully meet project purposes.

As described in more detail below, the Corps, working closely with the Service, is developing over 1,200 acres of shallow water habitat by modification of the existing channel and bank stabilization structures from Ponca State Park to the Osage River. This habitat is intended to function most effectively as suitable pallid sturgeon habitat at discharges approximately equal to or slightly higher than full service.

The information contained in this letter and its enclosures should be considered as supplementary to the information previously provided to the U.S. Fish and Wildlife Service (Service) in our letters dated February 13 and March 2, 2004, and in our Biological Assessment leading to the 2003 Amended Biological Opinion. Based upon this information, the Corps is proposing to operate for authorized project purposes in accordance with the 2004 Annual Operating Plan (AOP) dated March 19, 2004.

As addressed in our letters dated February 13 and March 2, 2004, the Corps believes that based on this new information, it is biologically warranted for the benefit of the pallid sturgeon, to extend the geographic reach of the 1,200 acres of new shallow water habitat set forth in the 2003 Amended Biological Opinion, from Ponca State Park to the mouth of the Osage River. The information we provided included engineering analysis of current shallow water habitat deficiencies, biological studies of the drifting phase of pallid sturgeon, population assessment sampling below the Platte River, and sampling within the Platte River itself. The Service, in your letter of March 5, 2004, evaluated the information and concurred in the modification of the geographical reach of river for habitat development in Section VII.1.b.

The Corps is developing over 1,200 acres of shallow water habitat by modification of the existing channel and bank stabilization structures from the Ponca State Park to the Osage River. As further described in the enclosures, this work includes bank, dike, and revetment notches, dredging to widen the existing channel and to connect backwater areas, creation of pilot channels and chutes, and major dike modifications. These modifications will effectively operate over a wide range of flows; however, they will perform most effectively for pallid sturgeon shallow water habitat with discharges approximately equal to or slightly higher than full service.

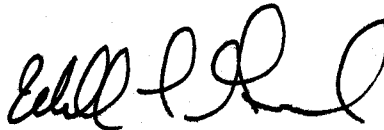
In the enclosed report, our technical engineering studies conservatively estimate that as of July 1, 2004, between 1,420 and 1,810 acres of new shallow water habitat will have been created since the issuance of the 2003 Amended Biological Opinion. This shallow water habitat meets the criteria discussed in the 2003 Amended Biological Opinion and further described in the Service's March 5, 2004, letter to the Corps. Over time, flows that meet all project purposes are expected to increase the effectiveness of these structural modifications and further expand the amount of shallow water habitat already created as well as increase the biological productivity of these sites.

The Corps is proposing to operate in accordance with the 2004 AOP based on the creation of more than 1,200 acres of shallow water habitat that will function most effectively at full service or higher. The AOP provides for releases of 30,000 cfs in July and August to meet flow targets as downstream tributary flows decline, but as noted in the AOP, actual releases will be dependent on the hydrologic conditions existing at that time. Should the tributary flows drop below the high run-off flows experienced in early May, the Corps will consider increasing the Gavins Point Dam releases to more than 30,000 cfs. However, if wet conditions persist

downstream of Gavins Point Dam, releases less than 30,000 cfs will be considered to meet service levels and to conserve water in the upstream reservoirs. As stated earlier, the releases above those described in Section VII 1.a., are intended to optimize the newly created shallow water habitat, maximizing benefits to pallid sturgeon while providing for authorized purposes on the lower river.

At the time of signing this letter, the Corps is continuing to construct shallow water habitat and complete post-construction surveys. We will provide additional information as it is obtained, and a final report no later than June 30, 2004, confirming the completion of all activities. We appreciate the continued assistance of the Service in developing the shallow water habitat called for in the 2003 Amended Biological Opinion in order to provide for all congressionally authorized project purposes this summer. Should you or your staff have any questions or need any additional information, please do not hesitate to contact me, or David Ponganis of my staff.

Sincerely

A handwritten signature in black ink, appearing to read 'William T. Grisoli', written in a cursive style.

William T. Grisoli
Brigadier General, U.S. Army
Division Engineer

Enclosures